

REMARKS

Applicants respectfully request entry of the amendments and remarks submitted herein. Claims 14 and 27 have been amended herein, and claims 25 and 31 have been canceled without prejudice to continued prosecution.

Claims 14, 16-18, 20-24, 26-30 and 32-37 are currently pending. Reconsideration of the pending application is respectfully requested.

The 35 U.S.C. §103 Rejections

Claims 14, 16-18 and 20-37 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Beauregard et al. (US Patent No. 6,458,401). The Examiner disagreed with Applicants' argument that Beauregard et al. produces crystalline maltitol and does not produce solidified maltitol (OA at page 7). According to the Examiner, crystalline maltitol *is* a type of solidified maltitol (emphasis in original), and the Examiner points to Example 1 in Beauregard et al., which refers to the crystalline particles of maltitol as the "solidified product" (OA at page 7). This rejection is respectfully traversed.

First, Applicants note that independent claim 14 has been amended herein to clarify that it is the first two steps are performed in a fluid bed. On the other hand, Beauregard et al. explicitly discloses using an open rotating receptacle to mix the maltitol syrup and maltitol seeds (see, for example, the Abstract), which corresponds to Applicants' claimed step a), which requires that the mixing occur in a fluid bed.

Second, Applicants note that the claimed process is not aimed at getting a highly purified solidified maltitol such as crystalline maltitol. On the contrary, the present claims are aimed at obtaining a solidified maltitol with a lower-than-usual maltitol content. It was surprisingly found that, even with a lower content of maltitol, it is still feasible to obtain a solidified maltitol using the claimed method.

In addition, the present specification clearly describes the differences between the prior art and the current invention (see, for example, the Background section). One advantage of the claimed methods is that turbulating the maltitol powder and the maltitol syrup in the fluid bed in

the presence of gas ensures that there is good surface contact between each of the particles of maltitol powder and the maltitol syrup. Furthermore, a droplet of liquid that falls on a powder particle instantaneously solidifies the powdered maltitol and liberates water, which is transported away by the gas (see paragraph [0043]). Thus, another advantage of the claimed methods is that the gas in the pending claims not only disperses the powder particles for coating, granulating, and/or agglomerating, but also simultaneously dries the product. This obviates the need for an expensive spray-drying step.

These advantages cannot be achieved using the method of Beauregard et al. This is demonstrated in Example 1 of Beauregard et al, which discloses that after granulation, the granules are matured by crystallizing them in a ripening device (e.g., an elongated rotating drum), and the matured granules are rough ground and dried in a fluidized bed (column 4, lines 62-67). Therefore, Beauregard et al. discloses a very different method and does not suggest a need or desire to change or modify the methods of Beauregard et al. to prepare a solidified maltitol.

In view of the amendments and remarks herein, Applicants respectfully request that the rejection of the claims under 35 U.S.C. §103(a) be withdrawn.

CONCLUSION

Applicants respectfully request allowance of the pending claims. If a telephone call to the undersigned would expedite prosecution, the Examiner is encouraged to do so. Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

/November 1, 2010/

/M. Angela Parsons/

Date: _____

M. Angela Parsons, Ph.D.
Reg. No. 44,282

Customer Number 26191
Fish & Richardson P.C.
Telephone: (612) 335-5070
Facsimile: (877) 769-7945